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C O N F I D E N T I A L SECTION 01 OF 03 KUALA LUMPUR 000268

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TAGS: [PHUM](#) [PREF](#) [SMIG](#) [PREL](#) [PGOV](#) [UNHCR](#) [MY](#)  
SUBJECT: MALAYSIA'S HOME AFFAIRS MINISTER CRITICIZES UNHCR,  
GRUMBLES ABOUT REFUGEES

REF: A. 06 KUALA LUMPUR 2137

[1](#)B. 06 KUALA LUMPUR 1162  
[1](#)C. 06 KUALA LUMPUR 1143  
[1](#)D. 06 KUALA LUMPUR 246  
[1](#)E. 05 KUALA LUMPUR 3691

Classified By: DCM David B. Shear for reasons 1.4 b and d.

Summary

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[1](#)1. (C) Home Affairs Minister Radzi Sheikh Ahmad recently launched a salvo of criticism at the local UNHCR office, threatening a crackdown on refugees and highlighting the UNHCR's difficult status in a country that has yet to sign the UN Convention on Refugees. The UNHCR appears to be weathering the storm: the Foreign Affairs Ministry remains supportive of the UNHCR's presence, and working level Home Affairs Ministry officials have indicated that the ministry will continue to work with the UN agency. Radzi, apparently under political pressure to take increased action against illegal migrants in Malaysia, publicly criticized the UNHCR's activities, following UNHCR efforts to obtain the release of 45 UNHCR "persons of concern" detained by immigration authorities during a January 28 raid. The Home Affairs Minister announced that his ministry would prepare new (presumably stricter) guidelines for immigration officials in dealing with UNHCR-recognized refugees. On January 30, the UNHCR Representative here was summoned to the Foreign Affairs Ministry and told the UNHCR's activities in Malaysia have also been privately denounced within the GOM by the Minister.

Shortly thereafter, the government requested that the UNHCR move its current operations compound to a new location "for security reasons." We contacted senior officials in both the Home Affairs and Foreign Affairs ministries, in order to express our full support for the UNHCR's activities and to remind the government of our substantial efforts - together with the UNCHR - to resettle thousands of Burmese Chin refugees this year (and beyond) from Malaysia to the United States. This latest round of anti-UNHCR commentary has been higher-level and more public than usual. While the latest Home Affairs Ministry disgruntlement may presage somewhat tighter government policies toward the UNHCR and the approximately 46,000 refugees living in Malaysia, we foresee continued (albeit more forced than usual) cooperation between the UNHCR and the ministry. We also note that the Foreign Affairs Ministry has privately assured us that the GOM will continue to work with the UNHCR on a constructive basis. End Summary.

Jungle Camp Raid Illuminates Tensions

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[1](#)2. (C) A day after the January 27 broadcast of a news report on government-controlled TV3, in which a landowner complained of refugees building a Christian chapel and illegally

squatting in an encampment on his land, government officials raided the camp, arrested 173 Burmese Chin refugees, and burned down the chapel and temporary lodgings that contained the refugees' meager belongings. We had visited the camp during November 2006 when it sheltered approximately 100 refugees (ref A). A senior UNHCR official told us that 80 refugees escaped arrest when they fled into the jungle. Approximately 50 of these individuals were not yet registered with the UNHCR. They were subsequently located by ACTS (A Call to Serve; a local NGO partially funded by the USG), bussed to the UNHCR compound, and registered. The UNHCR official told us that approximately 4 immigration officers and 15 RELA (People's Volunteer Corps) members conducted the raid. (Note: RELA is comprised of 340,000 baton-wielding, uniformed citizens who act as an auxiliary police force. They are used by the government to help keep public order and detain illegal immigrants. The government pays RELA members RM80, or \$23, for each illegal migrant they hand over to the immigration department. RELA's membership far exceeds the combined 200,000 personnel in Malaysia's police and military forces. End note.)

13. (C) Within hours of the raid, on-site government authorities invited the UNHCR to secure the release of those individuals identified as UNHCR persons of concern. While the raiding officers were prepared to release these 45 individuals, immigration department headquarters officials intervened and ordered that all detainees be brought to a nearby illegal migrant detention center. The UNHCR has thus far been unable to secure their release. This purposeful detention of UNHCR-recognized refugees marked a significant departure from the Home Affairs Ministry's previous policy and practice. Until lately, under a gentleman's agreement between the UNHCR and the Home Affairs Ministry, UNHCR-documented refugees were either not detained during

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raids, or were quickly released from detention following UNHCR confirmation of the refugees' documentation. UNHCR officials privately told us that the purposeful detention of UNHCR-recognized refugees following the January 28 raid reflected "deteriorating respect" for the gentleman's agreement.

Home Affairs Lashes Out, But MFA Defends UNHCR

14. (C) On January 30, the UNHCR Representative, Volker Turk, was summoned to a meeting with the MFA's Deputy Secretary General, Tan Seng Sung. According to Turk, Foreign Minister Syed Hamid requested Tan to prepare "a briefing on UNHCR's role, and the refugee situation in the country," and this prompted Tan to request the meeting with Turk. The UNHCR subsequently provided us with a copy of the briefing materials given to Deputy SecGen Tan. The documents aptly and succinctly describe UNHCR's essential role and activities on behalf of refugees in Malaysia. Tan said the FM would use the briefing materials to help defend the UNHCR's activities in Malaysia. Despite this reassurance, Tan emphasized that Malaysia did not sign the 1951 UN Refugee Convention and generally considers refugees as "illegal migrants who should be deported." Tan said the UNHCR's activities created an unappealing "pull factor" that draws increasing numbers of illegal migrants from Burma to Malaysia.

15. (C) The GOM's public criticism of the UNHCR reached a crescendo on January 31, when Home Affairs Minister Radzi Sheikh Ahmad said to reporters, "We accept the UNHCR's presence (in Malaysia), but we don't recognize their powers. We do not accept UNHCR-hosted refugees." During his comments to local media, Radzi also said the UNHCR "really gets in the way" of the work of RELA and immigration officials. The next day, Radzi publicly announced that his ministry would suggest revised guidelines to the cabinet, in an attempt to provide "clearer guidance" to RELA and immigration officials on handling refugees who hold UNHCR documentation. No further

information about the revised guidelines has thus far emerged. In contrast to Turk's regular meetings with the former Home Affairs Minister, Turk told us Radzi refuses to meet with any UNHCR officials. As both RELA and the immigration department fall under the Home Affairs Ministry, the Minister's publicly and privately expressed antagonism has negatively affected day-to-day cooperation between the immigration department and UNHCR officials, according to the UNHCR.

#### Embassy Expresses Strong Support for UNHCR

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16. (C) Embassy DCM David Shear called the MFA on February 5 to express our full support for UNHCR's operations in Malaysia. During his conversation with Shahrul Ikham, Undersecretary for Multilateral Affairs, the DCM urged the GOM to continue its cooperation with the UNHCR. The DCM also reminded Ikham that, in close cooperation with the UNHCR, we recently started processing thousands of Burmese Chin refugees for resettlement from Malaysia to the United States. Ikham responded that the GOM would "of course" continue its cooperation with the UNHCR.

17. (C) Embassy Consul General called on the Home Affairs Ministry's Deputy SecGen, Raja Azahar bin Raja Abdul Manap on February 6 and raised the UNHCR issue, along with U.S. plans to process and resettle thousands of Chin refugees this year. Raja Azahar was impressed by the U.S. commitment to take in so many Chins. He noted that the Minister was under a good deal of pressure from locals to do something about refugee camps, particularly those located on private land. He stated that the GOM would like to establish a "government liaison officer" to interact with the UNHCR on a full-time basis. The concept will reportedly be discussed during a future cabinet meeting. In addition, Raja stated that his ministry would soon attempt to move approximately 150 refugee women into government-run shelters. We so far have been unable to confirm this movement. (Comment: The GOM has very limited shelter space and in the past has been unwilling to identify refugee women as anything other than illegal migrants deserving punishment and deportation under Malaysian law. End comment.)

18. (SBU) The Bar Council and several NGO leaders expressed their strong support for the UNHCR's work in Malaysia. Bar Council President Yeo Yang Poh publicly urged the GOM to "fully appreciate the indispensable functions of the UNHCR and grant them the fullest cooperation." The WAO (Women's Aid Organization) described how the UNHCR has facilitated its efforts to counsel and assist refugee women who have experienced sexual violence either in their home countries or

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in Malaysia. Of note, Radzi's criticisms of the UNHCR have not found support in public comments by other senior GOM officials or public interest groups.

#### GOM Wants to Relocate UNHCR Compound

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19. (C) According to Turk, the MFA's Chief of Protocol notified him on January 30 that the PM's office decided in July 2006 to relocate the UNHCR's compound for "security reasons." According to the MFA, the PM's office complained of refugees "jumping fences" into the King's palace grounds that lie adjacent to the UNHCR. Despite Turk's protest that no such security incident occurred during at least the past two years, Turk said the GOM wants the UNHCR to move to new premises near the Parliament building near downtown Kuala Lumpur. The proposed location reportedly consists of two old bungalows sitting on 1.3 hectares of land. Turk said he would inspect the new location the week of February 12, but he wanted to delay or cancel the relocation, as the UNHCR operates efficiently in its current location. The UNHCR does not wish to disrupt its operations, especially considering

the large ramp-up underway from our processing of Chins for resettlement into the United States. Turk was unsure whether the potential relocation was related to either Radzi's comments or the revised refugee processing guidelines under preparation at the Home Affairs Ministry.

Comment  
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¶10. (C) Since 1975, when the UNHCR was invited into Malaysia by the GOM, the UNHCR has operated as quietly as possible to register and protect refugees here. The scope, nature and effectiveness of its operations have been hampered by the GOM's refusal to sign the 1951 Geneva Convention on Refugees, as well as local communities' resentment and frequent government raids against refugee groups. Despite these obstacles, the current UNHCR Representative built a modus vivendi with key GOM officials, including the previous Home Affairs Minister. The UNHCR has also provided assistance to the GOM on several sensitive refugee-related matters, including the status determination of 131 Thai citizens who illegally entered Malaysia in August 2005; they claimed to have fled the ethnic and religious violence in Southern Thailand (refs B, C, D and E). The new Home Affairs Minister's recent comments and actions threaten to upset this precarious balance, a risk apparently recognized by the Foreign Ministry.

¶11. (C) Given his control over RELA and the immigration department, and considering his position as Secretary General of UMNO (the SecGen is UMNO's 6th highest official), Radzi ranks as a powerful cabinet member. Therefore, while the MFA may battle Radzi's anti-UNHCR efforts, the Home Affairs Ministry's desires will receive a full hearing in the cabinet. Even if GOM's guidelines on handling UNHCR-recognized refugees do not materially change as a result of Radzi's latest efforts, we could see more anti-refugee, anti-UNHCR efforts by the Home Affairs Ministry. However, while we think the GOM will likely consider Radzi's comments and guidelines, we believe the GOM will not approve drastic changes to the status quo (such as forced UNHCR staffing reductions, reduced outreach activities and reduced registrations). The GOM strongly protects Malaysia's multi-racial, tolerant image, and a major move against refugees and the UNHCR would generate negative publicity with minimal countervailing benefit. We therefore foresee continued - if somewhat more strained - cooperation between the UNHCR and Home Affairs Ministry officials.  
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